

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-39 are presently active in this case. All claims and their respective status are shown above for the Examiner's convenience.

In the outstanding Office Action, Claims 1, 3, 4, 8, 12, 13, 14, 16, 17, 21, 25-27, 29, 30, 34, 38 and 39 were rejected under 35 U.S.C. §103(a) as unpatentable over Applicants' admitted prior art (APA) in view of Kalliojarvi (WO 98/19488). Claims 5, 10, 18, 23, 31 and 36 were rejected under 35 U.S.C. §103(a) as unpatentable over APA in view of Kalliojarvi as applied to Claims 1, 14 and 27 above, and further in view of Examiner's Official Notice. Claims 6, 7, 19, 20, 32 and 33 were rejected under 35 U.S.C. §103(a) as unpatentable over APA in view of Kalliojarvi as applied to Claims 1, 5, 14, 18, 27 and 31 above, and further in view of Examiner's Official Notice and further in view of Searle (U.S. Patent No. 4,743,871). Claims 9, 22 and 35 were rejected under 35 U.S.C. §103(a) as unpatentable over the above references used in Claims 1, 5, 6, 14, 18, 19, 27, 31 and 32 above, and further in view of Grobert (U.S. Patent No. 5,317,322).

Applicants wish to thank Examiner Zewdu for the courtesy of an interview granted to Applicants' representative on December 17, 2003, at which time the outstanding issues in this case were discussed. During the interview, the Examiner suggested adding the definition of "co-located" into the claim. Further, the Examiner suggested clarifying that the N-dimensional array serves

"an active microcell within the active macrocell." Arguments similar to the ones developed hereinafter were presented and the Examiner indicated that in light of the argument, the amended claims appear to be allowable over the cited prior art and he would reconsider the outstanding grounds for rejection subject to further search and consideration upon formal submission of a response.

In response to all rejections under 35 U.S.C. §103(a), Applicants respectfully traverse the outstanding rejections in light of the claim amendments as discussed next.

Claim 1 has been amended to recite "at least one steerable N-dimensional ($N \geq 2$) array co-located on a same antenna tower with an antenna of said base station, for serving an active microcell within the active macrocell." Claims 14 and 27 have been amended in a similar manner. Applicants respectfully submit that even the combination of Applicants Admitted Prior Art and Kalliojarvi, either alone or in combination, do not teach or suggest "at least one steerable N-dimensional ($N \geq 2$) array co-located on a same antenna tower with an antenna of said base station, for serving an active microcell within the active macrocell" recited in amended claims 1, 14 and 27.

Further, Applicants respectfully traverse the Examiner's Official Notice regarding the digital filters of Claim 5 and request further proof to support the Examiner's Official Notice.

In light of the above, Applicants respectfully submit that Claims 1-39 are patentably distinguishable over the cited prior art.

The present Amendment is submitted in accordance with the provisions of 37 C.F.R. §1.116, which after final rejection, permits entry of amendments placed on the claims in better form for consideration on appeal. As the present remarks are believed to overcome the outstanding rejections under 35 U.S.C. §103(a), and is not believed to raise new issues, it is therefore respectfully requested that 37 C.F.R. §1.116 and that the present Amendment be entered.

CONCLUSION

In view of above remarks, reconsideration of the outstanding rejection and allowance of pending claims 1-39 is respectfully requested.

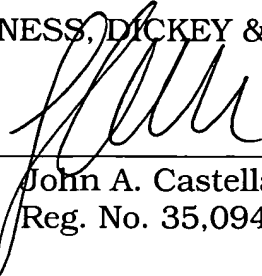
If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Timothy J. Maier, Reg. No. 51,986, at the number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Very truly yours,

HARNESS, DICKEY & PIERCE, PLC

By


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